

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

WILLIAM JAMES WALLACE, II,

Plaintiff,

v.

CALIFORNIA DEPARTMENT OF
CORRECTIONS AND
REHABILITATION, et al.,

Defendants.

Case No. 1:20-cv-00905-NONE-JLT (PC)

**FINDINGS AND RECOMMENDATIONS
TO DISMISS CLAIMS AND
DEFENDANTS**

14-DAY DEADLINE

On October 22, 2020, the Court screened Plaintiff's complaint and found that it states cognizable claims for violations of the Americans with Disabilities Act (ADA) against Defendant CDCR and Defendants Ourique and Smith in their official capacities. (Doc. 20.) The Court found that the complaint's remaining claims were not cognizable. (*Id.*) The Court therefore directed Plaintiff to file a first amended complaint curing the deficiencies in his pleading or to notify the Court that he wishes to proceed only on the claims found cognizable. (*Id.*)

On November 17, 2020, Plaintiff filed a "motion to proceed on claims found cognizable by this Court." (Doc. 21.) Accordingly, and for the reasons set forth in the Court's screening order (Doc. 20), the Court RECOMMENDS that:

1. Defendants Krzysiak, Merritt, and Sherman be DISMISSED; and,
2. The claims in Plaintiff's complaint be DISMISSED, *except for* its ADA claims

